

AZERBAIJAN (Tier 2 Watch List)

Azerbaijan is a source, transit, and limited destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women and children from Azerbaijan are trafficked to Turkey and the United Arab Emirates (UAE) for the purpose of commercial sexual exploitation. Men and boys are trafficked to Russia for the purpose of forced labor. Men and women are also trafficked to Iran, Pakistan, and the UAE for purposes of sexual exploitation and forced labor. Some men are trafficked within Azerbaijan for the purpose of forced labor and women and children are trafficked internally for forced prostitution and forced labor, including forced begging. Azerbaijan serves as a transit country for victims trafficked from Moldova, Uzbekistan, and Kazakhstan to Turkey and the UAE for commercial sexual exploitation. The Azerbaijani exclave of Nakhchivan serves as a transit point for women trafficked to Turkey. A small number of men and women from Ukraine, Moldova, Uzbekistan, Kazakhstan, and Russia were trafficked to Azerbaijan for the purpose of commercial sexual exploitation.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in investigating, prosecuting, convicting, and punishing trafficking offenders, including complicit officials; therefore, Azerbaijan is placed on Tier 2 Watch List. Although the government made modest improvements, victim identification and access to victim assistance remained limited during the reporting period. The government adopted a new national action plan on trafficking in February 2009; however, it did not allocate funding to implement the programs and policies in the plan, and funding for anti-trafficking efforts remained low and inconsistent throughout the reporting period. The new action plan included a draft national victim referral mechanism, though the mechanism was not formally adopted or implemented during the reporting period. Azerbaijan demonstrated improved awareness efforts.

Recommendations for Azerbaijan: Increase law enforcement efforts to prosecute and convict traffickers, including government officials complicit in trafficking, and ensure that a majority of convicted traffickers serve some time in prison; vet members of the anti-trafficking unit for human rights abuses; implement the national victim referral mechanism; increase inter-agency coordination of anti-trafficking efforts; improve victim assistance and protection for child victims of trafficking; provide initial assistance to domestic victims without requiring them to file a formal complaint with police; and conduct awareness and victim treatment training for law enforcement and judges.

Prosecution

The Government of Azerbaijan conducted fewer trafficking investigations and prosecutions and convicted fewer traffickers than in 2007. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits trafficking for both sexual exploitation and forced labor, and prescribes from five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2008, the government reported conducting 66 trafficking investigations and prosecuted 61 trafficking cases, down from 75 cases in 2007. The government secured the convictions of 61 traffickers, down from 85 convictions in 2007. Some

convicted traffickers received sentences of from one to eight years' imprisonment. According to most civil society groups in Azerbaijan, corruption and lack of training among low-level law enforcement impeded overall anti-trafficking efforts. There were unconfirmed reports that convicted traffickers bribed some judges to grant suspended sentences. There were also unconfirmed reports that police officers controlled saunas, motels, and massage parlors where forced prostitution occurred. During the reporting period, some victims claimed they were kidnapped by police and forced into prostitution and were later threatened by police not to file charges against the officials responsible for trafficking them. The government failed to vigorously investigate trafficking-related corruption during the reporting period. The government has yet to vet members of its anti-trafficking unit for human rights abuses, a recommendation since the 2005 Trafficking in Persons Report.

Protection

The Government of Azerbaijan demonstrated mixed progress in assisting victims during the reporting period. It did not employ a system to proactively identify victims of trafficking among vulnerable populations, including labor migrants; some NGOs suspect that labor trafficking may be more significant than sex trafficking. Coordination among the government agencies assigned to combat trafficking and assist victims was infrequent; most agencies did not have a dedicated office or point of contact responsible for coordinating with other agencies to effectively combat trafficking. In 2008, NGOs and law enforcement identified 121 victims; the government-funded shelter assisted 55 of these victims, up from 29 in 2007. Victims were only eligible for government-funded assistance, however, if they were an adult, female, and participated in a formal criminal case. Law enforcement referred 52 victims to the government-funded shelter in 2008. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; however, victims reported that some corrupt police officers discouraged them from filing criminal complaints through threats of physical violence. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked. Generally, identified foreign victims of trafficking who cooperate with law enforcement were permitted to remain in Azerbaijan until the completion of their court case; however, six foreign victims were deported prior to the completion of their court case during the reporting period. There were no child trafficking shelters operating during the reporting period. Some child victims received shelter at a government-run child homeless center for a maximum of 30 days and then were returned to the streets.

Prevention

The government improved its prevention efforts during the reporting period.

The government conducted a general trafficking-awareness campaign, advertising in both newspapers and on television. The government also funded and produced a documentary, in part, about sex trafficking called "Protect Me," which aired on several television stations during the reporting period. The government-funded trafficking hotline appeared more effective and identified at least eight trafficking victims during the reporting period. Although the government appointed a national anti-trafficking coordinator in 2004, the individual is a known human rights violator, a problematic obstacle to it achieving a truly victim-centered approach to its anti-trafficking efforts. The government made no effort to reduce demand.

